

San Bruno City Hall on the move "Temporarily" 1111 Bayhill Drive 4th Floor Suite 480 in San Bruno (650) 616-7058

San Bruno Police Department has moved to: Police Plaza, 1177 Huntington Avenue, next to the new BART station. All phone numbers remain the same, (650) 616-7100

CITY COUNCIL REGULAR MEETING

MINUTES

JANUARY 14, 2003

THIS IS TO CERTIFY THAT:

The San Bruno City Council met in Regular Session at the San Bruno Senior Center at 1555 Crystal Springs Road. The meeting was called to order at 7:00 pm.

ROLL CALL:

Recorded by City Clerk Simon, present were Mayor Franzella presiding; Vice Mayor Pallas, Councilmembers Ibarra, O'Connell, Ruane.

PLEDGE OF ALLEGIANCE:

Mayor Franzella asked Director of Community Development George Foscardo to lead us in the Pledge of Allegiance.

Mayor Franzella thanked the San Bruno Garden Club for providing the beautiful floral arrangement for tonight's meeting.

ANNOUNCEMENTS:

- a. Mayor Franzella announced this years BAWUA Water Awareness Poster Contest winner, Albert Shu, 6th grader at Highlands Christian School who won first place in his grade level. This is a regional contest and the second year in a row that a San Bruno student has won a prize. Albert was presented with his artwork, which was framed for him by the City and a check from BAWUA for \$100. Albert's art teacher Ms. Castillo also received a check for \$25 from BAWUA. Mayor Franzella thanked all the students and teachers citywide who participated in this program.
- **b. Mayor Franzella** introduced new employees **Gary West**, Building Official and **Ann Ritzma**, Human Resources Manager.
- c. San Francisco Public Utilities Commission General Manager Pat Martell gave an overview of Water Agreement between the Cities San Francisco and San Bruno.

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REVIEW OF AGENDA:

Mayor Franzella requested that Item 13b be moved to earlier in the agenda to accommodate the guest speaker's schedule. It was placed after the Public Hearings.

APPROVAL OF MINUTES: Adjourned & Regular Council meeting minutes of December 10, 2002. Stand approved as submitted.

CONSENT CALENDAR:

- a. Approve: Payroll of December 20, 2002 & January 3, 2003.
- **b. Approve: Accounts Payable** of December 2nd, 9th, and 16th 2002. (Council packets only, copy is available for review at the City Clerk's office)
- **c. Accept:** Presented by City Treasurer, Karen Hornung, Reconciliation of **General Ledger** to Bank reports and the **Investment Report** dated November 30, 2002.
- **d. Adopt:** Recommended by Public Works Director Munns, Resolution 2003-01 approving the Disadvantaged Business Enterprise Program for Federally Funded Roadway Projects and overall Annual Disadvantaged Business Enterprise goal for Federal Fiscal Year 2002-03.
- **e. Adopt:** Recommended by Public Works Director Munns, Resolution 2003-02 authorizing a Funding Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2002-03 Transportation Development Act Article 3. Pedestrian/Bicycle Project Funding.
- **f. Adopt:** Recommended by Assistant City Manager Steve Rogers, Resolution 2003-03 identifying the City's authorized agents to interact with the Governor's Office of Emergency Services.
- **g. Approve:** Recommended by City Attorney Pamela Thompson, correction of clerical error within resolution no. 2002-027 which should read resolution no. 2001-28 not 2001-48. Resolution amended the Master Fee Schedule.

END OF CONSENT CALENDAR

M/S Ruane/Ibarra, to approve the Consent Calendar. Passed unanimously.

PUBLIC HEARINGS: NOTICES were PUBLISHED, POSTED, and MAILED:

a. 701 2nd Avenue, Appeal of Planning Commission denial of Use Permit #02-59 and Variance #02-10. Applicant is proposing to build a 583 sq. ft. first story addition to an existing one-story home and attaching the currently detached garage to the main residence. Proposal will add four (4) new bedrooms and three (3) new bathrooms. Request will exceed the maximum lot coverage where the rear setback is less than 10 feet per Sections 12.200.050A, and 12.96.060D.6 of the San Bruno Zoning Ordinance. Applicant/Owners are Mateo and Ele Tatola of 701 2nd Ave., San Bruno. Contact person is David Butler Jr. 305 San Bruno Avenue San Bruno, CA (650-873-3750). Assistant Planner Aaron Aknin gave an overview of the appeal noting that the applicant is requesting a use permit to build an addition to an existing that exceeds the allowable measurements by 124 square feet. They are also asking for a variance in order to attach the currently detached garage resulting in a one foot setback which is much less than required. David Butler spoke on behalf of the applicant. He addressed the fact that a neighbor of the property had

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some privacy issues. One of them being that the proposed windows are intrusive. He assured that neighbor that they would like to work with her during construction to alleviate those concerns. He emphasized that they want to be accommodating to the neighbors with regard to their privacy issues. He also pointed out the 124 square foot excess was created by a 137 foot storm drain easement that has been deducted from this property. If it were included it would bring the project within code. As for the attached garage, he notes that there was no objection to that in the October 15th Staff Report.

Scott Buschman, Claremont Dr., urges the Council to deny the appeal based on the inconsistency with the neighborhood that a six bedroom, four bathroom house would create. Cautions that approving variances such as this one it creates substandard lots.

Tammy Neirby, Pine St., has several concerns related to the proposed project. First, a one foot variance and building over the maximum lot coverage would impose light, air, and security issues for her family. The windows would be peering into their outdoor living space and would also have a clear view into shower stall. Until now the applicant has not been willing to make any adjustments.

Scott Neirby, Pine St., asked the Council to give this appeal careful consideration and deny it. The owners have not represented this project accurately, changing it from an "addition" to plans for a residential care facility for the elderly during the process. Approval of this project would make an already bad parking situation much worse.

City Attorney Thompson addressed Councilmembers Ibarra and O'Connell's remarks indicating that they were familiar with either the applicant or persons opposing the appeal. **City Attorney Thompson** then asked them to affirm that they could be fair and open minded in their decision. Councilmembers Ibarra and O'Connell both affirmed.

No one else wished to speak.

M/S Pallas/Ibarra, to close the Public Hearing, passed unanimously.

M/S Ruane/O'Connell, to deny the Use Permit and Variance Application for 701 2nd Avenue. Passed unanimously.

- **b. SummerHill Homes** proposed development of **115 single-family homes** on what was **formerly a Skyline College parcel at the Intersection of College Avenue and College Loop Drive.**
 - (1.) City Council review and finalize Certification of the **Final Environmental Impact Report (FEIR).** Lead Agency; the City of San Bruno and Consultants are Environmental Science Associates.
 - (2.) Request for approval of the **Tentative Tract Map & Planned Unit Permit** to create a 115-lot subdivision. Per Chapters 12.36 & 12.116 of the San Bruno Zoning Ordinance. SummerHill Homes applicant/owner.

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Assistant Planner Aaron Aknin gave an overview of the two components of this agenda item. **Elaine Breeze with SummerHill Homes** reviewed the proposal and thanked City staff for all their help. She then answered questions from the Council.

Jennie Pitsch, Elston Dr., believes that this development will destroy the wet lands on this property. Trees, plant life, animals and birds make their homes on this property. This is the most destructive change she has seen in the forty plus years she has lived here.

Carolyn Livengood, Sheryl Dr., has concerns about noise, dust and dirt that this project will produce since she works at home. Also that the neighborhood will be impacted by craftsmen of the project parking to be close to the job, and there should be a traffic signal between Sheryl Drive and the loop, because traffic is already a problem.

Richard Holober, Millbrae, President of the San Mateo County Community College District Board of Trustees, the landowner of Skyline College, states that they are in support of the project. They have worked with SummerHill Homes and found them to be very responsive and have made adjustments to their plans in order to address concerns of the community. A benefit of this project is that it brings revenue to the college to do much needed upgrading and renovating and expansion of the facilities.

William Knack, Foster City, speaking on behalf of the Building and Construction Trades Council of San Mateo County expressed their support of this project. They believe that the developer has put forth great effort to respond to needs and concerns of the community, City staff and the Planning Commission. This project is proposed at a lower density than could be allowed and guarantees jobs to skilled union members, many of whom live in San Bruno.

Mary Boudreaux, Castleton Way, the project includes the removal and replanting of some mature trees, but not to the original configuration therefore, ruining the forest-like effect that they have created. She feels that something could have been done to preserve the original characteristics of the site. Change is inevitable, but this will be hard to bear. Encouraged council and staff to consider no work being done one weekend day a week.

M/S Pallas/Ruane, to close the Public Hearing. Passed unanimously.

Councilmember Ibarra requested that the developer use 36-inch box trees wherever possible. **Ms. Breeze** agreed that this size of trees would be used at key public places Where it will have the most impact, such as the project entry or medians.

M/S Pallas/O'Connell, to certify the Final Environmental Impact Report. Passed unanimously.

M/S Ibarra/Pallas, to approve the Tentative Tract Map and Planned Unit Permit. Passed unanimously.

Mayor Franzella thanked SummerHill Homes for listening to and working with the community when there were concerns in the early planning stages of this project.

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b. Notice of upcoming Public Hearing January 28, 2003 to review Tanforan Shopping Center request for an architectural review permit, development agreement, planned development permit, and adoption of an Environmental Impact Report addendum to allow a major remodel of the "Shops at Tanforan" (Tanforan Park Shopping Center); per Chapter 12.108 and Section 12.96.190 of the San Bruno Zoning Ordinance. Altoon & Porter architects, Tanforan Park Shopping Center, LLC, owner/applicant, AR-02-04, DA-02-01, and PDP-02-01.

Item 13b: Jim Lienberger with the Veterans Affairs Commission urged the Council to join neighboring cities in their endorsement of plans for outpatient clinics serving San Mateo, Contra Costa and Alameda Counties. The entire cost will be absorbed by the Veterans Administration. This Veterans Administration budget item is being considered in Congress. It is believed that the California delegation is in favor of this plan. Councilmember Pallas introduced Resolution 2003-06 for adoption. Passed unanimously by a roll call vote.

UNFINISHED BUSINESS:

a. Letter from Mayor Franzella dated 12/19/02 to San Mateo County Board of Supervisors regarding flooding in San Bruno and Condition of Cupid Row flood control channel.

Related items:

- (1.) Letter dated 01/03/03 from Neil Cullen, Director of Public Works for The County of San Mateo, responding to Mayor Franzella's letter at the request of Supervisor Jerry Hill, President of the Board. Mr. Cullen will be present to provide a report related to this issue
- (2.) Letter from Robert Riechel of 7th Avenue, regarding flooding problems on 7th Avenue from Belle Air School to Angus Avenue. He is requesting the City of San Bruno access protected land East of the City limits and remove blockage in canal and drainage ditches.
- (3.) Email to City's Webmaster from Mr. and Mrs. Thomas J. Collins Sr. of 7th Avenue concerned about the continued flooding problems effecting 7th Ave.

Public Works Director Scott Munns gave a brief update of the recent events and progress made in relation to this item and introduced **Neil Cullen. Mr. Cullen** explained the process that the County is going through with the involved regulatory agencies in order to gain access to clean out the canal.

Robert Riechel, 7^{th} **Ave.**, read a letter asking questions relating to the time line of this process.

Mayor Franzella explained that the difficulties at hand are due to the fact that the laws imposed by the regulatory agencies are Federal laws and that the City is doing its best to work within those guidelines.

Larry Holland, 7th Ave., was very frustrated with the situation and feels that the City should be taking a more proactive approach year round. He thinks it appears to be a simple enough fix and that the City should just fix the problem.

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Richard Avalon, Jenevein Ave., also has a problem with flooding. He goes outside every two hours during a significant rain to clean leaves off the storm drains. Thinks there should be a City crew to do that and there should actually be a new drain at the northeast corner of Jenevein and Elm. Also has concerns that upcoming construction up the hill will produce more flooding when roads are paved.

Mayor Franzella added that in trying to resolve this issue, he feels that the County has been very responsive.

Linda Abu-Gharbiyeh, Reid Ave., has heavy water damage inside her home and on her property. Claims she is running sump pumps and installed other methods of drainage. Her family is ill with viruses and they had moved into a hotel all due to the water problem. She believes the water is coming from the sewer system. City staff has come to her home but so far been unable to determine the source of the water.

Monique Duval, Chestnut Ave., urged the Council to make a serious effort to return the condition of the Cupid Row and San Bruno canals to their original capacity so water can reach the canals rapidly during heavy rainfall, even when high tides shut floodgates. Those canals were designed to respond to needs based on the topography of the area and building density. In their present condition, they do not serve their original purpose.

Maria Bernardo, Chestnut Ave., also has a water problem in her garage with an undetermined source. She is a senior citizen and lives alone and although she has a sump pump in her garage she asked the City for assistance dealing with this problem.

Mike Kaiser, 5th Ave., feels that there has been a lot of talking but not enough action taking by the San Mateo County Flood District.

City Clerk Simon presented the Council with a letter from a business owner on El Camino Real named **Bill Oaks.** Mr. Oaks has a considerable problem with storm water, Director Munns has already responded to his letter. Clerk Simon wanted the letter to be reflected in the minutes.

Councilmember O'Connell visited the site and made a presentation showing slides of the canal in its present condition. She grew up on 5th Avenue and recalls that in the past water used to sit for days before it recedes, she once had to go to school in a rowboat. While the situation needs improvement it is better that it used to be. Addressing Mr. Cullen she stated that to her knowledge there are no endangered species in the area partly because of the saltwater intrusion as it goes up the steam. She believes that no permit is required to dredge this area. She hopes that in a few months she can go back to the site and see that a lot of the debris is gone.

Mr. Cullen assured her that they would do everything possible to coordinate efforts of the various agencies involved to get some answers for the Council and implement a plan.

Public Works Director Scott Munns answered some questions that the Council had.

Robert Riechel asked if the City would consider asking Mr. Cullen to give the City a report on the dredging and clearing of the canal, 45 or 60 days down the road.

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Mayor Franzella responded that he felt the County was being very responsive and a report wouldn't be necessary.

Mike Kaiser believes that the tide gates should be left in place and the debris should just be cleared away.

b. Vice Mayor Pallas requested reconsideration of using City Park as future site for a new well. He thinks this is a good location because the water under the park doesn't have to be filtered. He would like a citizens advisory committee appointed for this purpose.

Councilmember Ibarra believes it is unnecessary to form a committee. Last time this was proposed many neighboring residents came to the meeting and spoke in opposition. Its up to staff and the Water Resources Sub Committee to come forward with their suggestions and let the public speak on it at that time.

Councilmember O'Connell clarified that City Park has been designated as a good site for a test well.

Mayor Franzella doesn't feel that it's appropriate to put a well in City Park. It's one of the best parks in the county, picnic areas and lawns would be disrupted and trees would be removed. This would create blight in the park.

Perry Petersen, Scenic Ct., reminded and commended the Council of the last attempt to put a test well in City Park. The opposition ranged from the well being constructed immediately adjacent to residential properties, to the cutting down of trees, to the relocation of memorial plaques of prominent San Bruno residents, to dead squirrels falling out of the trees from the shock of loosing their natural habitat.

Councilmember Pallas still thinks that this is a good location and thinks he can get more signatures in favor of the test well than the opposition can get against it.

Councilmember O'Connell explained the great lengths that were gone to in search of a viable site for a test well. She regrets the money that was spent and that this project was not completed.

Annetta Giambruno, Portola Way, suggested that an old shed behind the pool would make a good location for a test well and avoid destroying anything in the park.

Rose Urbach, Euclid Ave., residents didn't complain about putting a well in Forest Lane. The same consideration doesn't seem to be given to things affecting the east side of El Camino. If City Park is a good location for a well then that's where it should be put.

Mike Kaiser, 5th Ave., says that mother nature should dictate where a well is to be not the public. He thought the City was governing for the general good not special interest.

Toni Petersen, Scenic Ct., questioned, is it a known fact that the aquifer that San Francisco is trying to protect is not the same one San Bruno will be drilling in.

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Public Works Director Scott Munns responded to that question by saying the long held belief is that the two are not related. However, that is the purpose of the conjunctive use study that the Council approved within the last month.

Councilmember Ruane feels a breakdown in communication has resulted missed opportunity for other feasible options to be explored. At this time he agrees with the Mayor that the park is not a good location.

It was decided that the Water Resources Sub Committee (O'Connell/Pallas) would meet with staff to review the possibilities including the Water Master Plan, which covers the wells and test wells and bring a report back to the Council.

CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACTS:

Public Works Director Munns recommends the following:

- **a.** Items previously reviewed, budgeted, and approved by City Council.
- (1.) That the City Council approve and authorize the City Manager to execute a contract amendment with the consulting firm of Cole Management & Engineering, Inc., in a form as approved by the City Attorney, for continuing BART Construction oversight and other construction management services for miscellaneous City Projects, for the additional not-to exceed amount of \$235,000.

M/S Ruane/Ibarra, to approve. Passed unanimously.

- **b.** Items new or with budget modifications requiring City Council approval.
- (1.) That the City Council authorize the City Manager to execute a contract amendment to the existing consultant design agreement with Villalobos & Associates Consulting Engineers for the Phase II Belle Air Water System Replacement Project, for the additional design of Phase II of the Lomita Outfall Trunk Sewer Project and related services, in a form as approved by the City Attorney, for the additional not-to-exceed amount of \$50,080.

M/S Ruane/O'Connell, to approve. Passed unanimously.

(2.) That the City Council authorize the City Manager to execute a contract amendment to the existing consultant design agreement with Winzler & Kelly Consulting Engineers for the Engvall Relief Sewer Project, for the additional design of the Sneath Lane Trunk Sewer Replacement, in a form as approved by the City Attorney, for the additional not-to-exceed amount of \$96,500.

M/S, O'Connell/Ibarra, to approve. Passed unanimously.

COMMUNICATIONS:

Letter from the Superior Court of San Mateo County dated December 4, 2002. Report on findings of the 2002-2003 San Mateo County Grand Jury report on the City of San Bruno's Water Division operations and request for response by March 4, 2003. Mayor Franzella appointed Councilmember Ruane to join him in drafting a response and bring it back to the Council for approval.

STAFF REPORTS:

a. Public Works Director Munns recommended that the City Council authorize the City Manager to accept the donation of one GEM Car zero-emission, low-speed electric utility vehicle valued at \$9,195.00, from Global Electric Motors, a division of Daimler Chrysler, for the purpose of supporting the work activities of the Public Works

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Department – Parks Division. **Public Works Director Scott Munns** showed a slide of the car and congratulations to Parks Services Manager Dave Perazzo for following up on the Solicitation of Interest from the National Park Services. Some of the benefits of this car are that it's quiet, environmentally sensitive and reduces the Parks Division operating costs resulting in a positive effect on the budget.

M/S O'Connell/Ruane, to approve. Passed unanimously.

b. Chief of Police Lee Violett requests City Council authorize the City Manager to accept San Bruno's allocation of funds from the State California Law Enforcement Equipment Program in the amount of \$21,684.05.

M/S O'Connell/Ruane, to approve. Passed unanimously.

<u>REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES</u>: None PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Rose Urbach, Euclid Ave., complained that her airport windows are leaking and the Airport Noise Insulation staff came out and calked them for her. She is not sure if the problem will persist. Suggests that the pavement at the northwest corner of El Camino Real and Jenevein Avenue badly needs repair. Going east, the intersection of San Bruno Avenue and Shelter Creek should have stop signs. Traffic comes very fast down the hill.

REPORT OF COMMISSIONS, BOARDS & COMMITTEES:

- a. Median Landscaping Ad Hoc Committee (Franzella/Ibarra) recommended:
- (1.) That the City Council adopt a resolution to amend the Master Fee Schedule to create a Tree Removal Permit and Inspection Fee and a Tree Replacement Payment-in-Lieu Fee to be incorporated into Chapter 8 of the Master Fee Schedule; further, that the Council authorizes the creation of a Tree Planting Fund to receive and disperse funds collected from the Payment-in-Lieu Fee. **Councilmember Ruane introduced**

Resolution 2003-05 for adoption. Passed by the following majority vote: Councilmembers Ibarra, O'Connell, Ruane, Mayor Franzella – Yes. Councilmember Pallas – No.

- (2.) That the City Council adopt a resolution establishing the City of San Bruno Master Street Tree List. Councilmember Ruane introduce Resolution 2003-06 for adoption. Passed by the following majority vote: Councilmembers Ibarra, O'Connell, Ruane, Mayor Franzella Yes. Councilmember Pallas No.
 - b. City Clerk Simon recommended:
 - (1.) City Council consideration to appoint citizens to vacant positions;

Traffic Parking & Safety Committee1 vacancyCitizens Crime Prevention Committee2 vacanciesPersonnel Board1 vacancy

(2.) Post notice of new vacancies on boards and committees

Parks and Recreation Commission 1 youth representative

Bicycle and Pedestrian Committee 1 vacancy

Applicants Robert Riechel and John Dracopoulos were nominated and appointed to the Citizens Crime Prevention Committee. Applicant Doris Maez was nominated and appointed to the Traffic Safety and Parking Committee. Applicant Keith Young was nominated and appointed to the Personnel Board.

Mayor Franzella asked City Clerk Simon to post the vacancies.

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c. Oral Updates:

Beautification Task Force (O'Connell):

Councilmember O'Connell announced that the next meeting will be on Wednesday, February 12th at 5:15 pm at 1111 Bayhill Drive in the Suite 480 Conference Room. Also, that the date of Saturday, May 3rd has been set for Operation Clean Sweep.

Downtown Ad Hoc Committee (Ruane/Ibarra):

Councilmember Ruane read a press release stating that on Tuesday, January 21st at 5:30 pm will be the opening of "The Avenue" in downtown San Bruno at the southern end of San Mateo Ave. The streetscape is done, along with the street resurfacing and striping and the sidewalk cleaning. Some of the new streetlights have been installed for the opening. The unveiling will include, the new banners, streetlights, street name signs and new entryway sign face. Now that the City has completed it's work, he looks forward to participation from the merchants and property owners from here on.

Citizens Advisory Committee for Caltrain Preferred Grade Separation and Station Design (Ibarra/Ruane):

Councilmember Ibarra announced that the next meeting is Thursday, January 23, 2003. The committee anticipates providing a full recommendation to the Council by the end of February. They have gone through every facet of grade separation and traffic studies and now have a consensus on the revised configuration for the traffic are at San Bruno Ave./San Mateo Ave./Huntington Ave.

Facilities Needs Assessment Committee (O'Connell/Ruane):

Councilmember O'Connell reported that they had met with a committee from the School Board to discuss the possibility of angel parking on Linden Ave. It is up for further review by the Board. This was one of the recommendations made by the Library Citizens Advisory Committee.

Councilmember Ibarra reminded that there will be a Preliminary Parks and Recreation Master Plan Introduction Meeting on Wednesday, January 22nd at 6:00 pm at the Recreation Center Meeting Room.

Mayor Franzella asked staff for an update on the progress of the City Hall remodeling project. **Assistant City Manager Steve Rogers** stated that things are still roughly on schedule for completion the first of March.

Mayor Franzella announced that on Friday, January $10^{\rm th}$, the Crossing Apartments had a ground breaking. Construction will begin soon.

NEW BUSINESS:

- a. Study Sessions scheduling. No one wished to schedule a session.
- b. Vice Mayor Pallas recommends that the City Council support the placement of a Veterans Outpatient Clinic in the northern peninsula area. This item was moved to an earlier position in the agenda. It can be found after the Public Hearings.

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CLOSED SESSION:

City Manager Frank Hedley requests a closed session pursuant to Government Code Section 54957 for the purpose of reviewing and modifying his contract.

Recessed into a Closed Session at 11:00 pm. Reconvened at 11:31 pm.

Mayor Franzella announced that City Manager Frank Hedley announced his retirement effective February 1, 2003. The Council has agreed to modify his employment agreement allowing him to remain as a contract employee until recruitment of a new City Manager has been completed, not to exceed December 31, 2003. At the January 28th Council meeting, details of the new employment agreement will be presented.

ADJOURNMENT:

There being no further business to transact, the meeting was adjourned at 11:33 pm to the next regular Council meeting on Tuesday January 28, 2003 at 7:00 pm. at the San Bruno Senior Center at 1555 Crystal Springs Road.

Mayor Franzella adjourned the meeting with a moment of silence in memory of

Tom Walling

former employee of the City of San Bruno, who passed away on January 6, 2003.

The foregoing minutes were approved by the San Bruno City Council at a regular meeting held on January 28, 2003.

Respectfully Submitted for Approval,

Ed Simon, City Clerk
Larry Franzella, Mayor